UNITED STATES COURT OF APPEALS
FOR THE DISTRICT OF COLUMBIA

AIR LINE PILOTS ASSOCIATION, INTERNATIONAL, AMERICAN FEDERATION OF LABOR-CONGRESS OF INDUSTRIAL ORGANIZATIONS, ASSOCIATION OF FLIGHT ATTENDANTS-CWA, TRANSPORTATION TRADES DEPARTMENT, AFL-CIO, ALLIED PILOTS ASSOCIATION, AND SOUTHWEST AIRLINES PILOTS' ASSOCIATION,	)	
PETITIONERS,	)	**No: 17-1012**
v.	)	
ELAINE CHAO, SECRETARY OF THE UNITED STATES DEPARTMENT OF TRANSPORTATION,	)	
RESPONDENT.	)	
NORWEGIAN AIR INTERNATIONAL LIMITED,	)	
MOVANT-INTERVENOR.	)	

JOINT STATEMENT OF ISSUES TO BE RAISED

Pursuant to this Court's January 17, 2017 Order, Petitioners Air Line Pilots Association, International, the American Federation of Labor-Congress of Industrial Organizations, the Association of Flight Attendants-CWA, the Transportation Trades Department, AFL-CIO, the Allied Pilots Association, and the Southwest Airlines Pilots' Association submit this non-binding joint statement of issues to be raised in this case.

The United States Department of Transportation ("DOT") has the authority to issue foreign air carrier permits.

Issue 1: Congress requires that the issuance of any foreign air carrier permit be "in the public interest." Was the DOT's conclusion that the issuance of a foreign air carrier permit to Norwegian Air International Limited ("NAI") was in the public interest arbitrary, capricious or not in accordance with law?

Issue 2: The United States-European Union Air Transport Agreement ("Agreement") Article 17 *bis* states that in implementing the Agreement the Parties are to be guided by the principle that "opportunities created by the Agreement are not intended to undermine labour standards or the labour-related rights and principles contained in the Parties' respective laws." Was the DOT's conclusion that Article 17 *bis* had no applicability to the issuance of a foreign air carrier permit to NAI under the Agreement arbitrary, capricious, or not in accordance with law?

Issue 3: Congress has stated that the DOT may impose terms for providing foreign air transportation under a foreign air carrier permit. Was the DOT's failure to establish terms relating to the employment of pilots and flight attendants on the foreign air carrier permit issued to NAI arbitrary, capricious or not in accordance with law?

Respectfully submitted,

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February 16, 2017

STATEMENT PURSUANT TO
D.C. CIRCUIT RULE ECF-3

Pursuant to D.C. Circuit Rule ECF-3.(B), the undersigned certifies that counsel for the American Federation of Labor-Congress of Industrial Organizations, the Association of Flight Attendants-CWA, the Transportation Trades Department, AFL-CIO, the Allied Pilots Association, and the Southwest Airlines Pilots' Association consent to the filing of the Joint Statement of Issues to Be Raised.

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CERTIFICATE OF SERVICE

I certify that on February 16, 2017, I filed and served the foregoing Joint Statement of Issues to Be Raised and Statement Pursuant to D.C. Circuit Rule ECF-3 by using the CM/ECF system, which will then send a notification of such filing on all registered counsel in this matter.

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